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| APPLICATION NO.                                                                                  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------------|-------------|-----------------------|--------------------------|------------------|
| 10/619,007                                                                                       | 07/14/2003  | Albert Chenouda Salib | 203-0815 (FGT-1868PA)    | 6034             |
| 28549                                                                                            | 7590        | 08/11/2004            | EXAMINER                 |                  |
| KEVIN G. MIERZWA<br>ARTZ & ARTZ, P.C.<br>28333 TELEGRAPH ROAD, SUITE 250<br>SOUTHFIELD, MI 48034 |             |                       | LOUIS JACQUES, JACQUES H |                  |
|                                                                                                  |             |                       | ART UNIT                 | PAPER NUMBER     |
|                                                                                                  |             |                       | 3661                     |                  |

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/619,007

Applicant(s)

SALIB ET AL.

Examiner

Jacques H Louis-Jacques

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/28/03, 4/1/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the wheel departure angle" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the reference bank angle" in line 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit: 3661

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chubb et al [6,593,849]

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Chubb et al discloses a method of controlling a vehicle (10), wherein a relative roll angle is determined (columns 3 and 4), it is determined whether the vehicle is in a transitional maneuver (column 3) and when the vehicle is in a transitional maneuver, a roll control signal for the relative roll angle is set (column 2). Chubb et al also discloses determining wheel lift status and a wheel departure angle determination. In addition, Chubb et al. further discloses that the vehicle transition being a right to left transition or a left to right transition (figs. 2A - 2F).

Art Unit: 3661

5. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al [6,324,458].

Takagi et al discloses a device for controlling vehicle turn behavior with discrimination of direction. According to Takagi et al, there is provided determining when the vehicle is in a transitional maneuver (column 1), determining a relative roll angle (condition), and when the vehicle is in the transitional maneuver, setting a roll control signal for the roll angle. As described in column 2, the relative roll angle is compared to a threshold value. Furthermore, according to Takagi et al, safety control system, engine and brake systems are controlled in response to the roll control signal.

6. Claims 1-2, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyers et al [US 2003/0163231].

Meyers et al discloses a roll over stability control for an automotive vehicle. According to Meyers et al, there is provided determining roll condition (figure 8, page 4), determining when the vehicle is in a transitional maneuver (page 1), and when the vehicle is in a transitional maneuver setting a roll control signal for the relative roll angle (figures 7, 8). Meyers et al also discloses determining when the inside wheels of the vehicle are grounded when the vehicle is in a transitional maneuver to set the roll control signal for the relative roll angle. Furthermore, Meyers et al discloses operating a safety system in response to the roll control signal (pages 4 and 5).

Art Unit: 3661

*Allowable Subject Matter*

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 8-18 are allowed.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|               |             |           |
|---------------|-------------|-----------|
| US20030182025 | Tseng et al | Sep. 2003 |
| US20030055549 | Barta et al | Mar. 2003 |
| 6,678,631     | Schiffmann  | Jan. 2004 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER